

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ADALID MONTIEL FIGUEROA

PLAINTIFF

v.

Civil No. 07-

5175

CARRIE DOBBS,
Deputy Prosecuting Attorney, Benton County

DEFENDANT

ORDER

Adalid Montiel Figueroa submitted this pro se action for filing. Plaintiff has not completed the inmate account portion of his application to proceed *in forma pauperis*, however Plaintiff states he attempted to have the officials of his institution complete this form, but they refused. Plaintiff has another case in this district, case number 5:07-cv-5157. In that case Plaintiff was allowed to proceed *in forma pauperis* and prison officials as of August 20, 2007 certified Plaintiff had no funds in his account.

Accordingly, the clerk is directed to file the *in forma pauperis* (IFP) application and complaint. The application to proceed IFP is provisionally granted. In the event the Court becomes aware Plaintiff was inappropriately granted *in forma pauperis* status, such status will be revoked. Pursuant to the provisions of the Prison Litigation Reform Act **the clerk is directed to collect the \$350.00 filing fee from the plaintiff**. The matter of service will be determined at a later time.

Moreover, upon review of the facts of Plaintiff's current complaint and that filed in case number 5:07-5157, the court finds the allegations in each of Plaintiff's complaints are regarding

common questions of law and fact. Both cases involve the stop of a vehicle Plaintiff was traveling in on July 3, 2007 and charges stemming from that stop. Both cases should be and hereby are consolidated for pretrial and trial pursuant to the provisions of Rule 42 of the Federal Rules of Civil Procedure. **In the future, case number 5:07-cv-5157 shall be considered the lead case and all pleadings docketed to that case. All pleadings docketed after the entry of this order shall contain both case numbers. The clerk is directed to add to the lead case number 5:07-cv-5157 Carrie Dobbs as defendant.**

IT IS SO ORDERED this 5 day of October 2007.



HON. JAMES R. MARSZEWSKI
UNITED STATES MAGISTRATE JUDGE

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

OCT 10 2007

BY
CHRIS R. JOHNSON, CLERK
DEPUTY CLERK